IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24871 of 2004

Between:

S.K.Kareemullah S/o Sadiq Ali,

Aged 39 years, Ex-Daily Wage Driver, (E211098)
APSRTC, Ranigunj I bus Depot, Hyderabad.

..... PETITIONER

AND

The Depot Manager APSRTC Ranigunj I Depot Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in deleting the name of the petitioner from approved/selected candidates list of Driver Post is bad, arbitrary, illegal, unjust, unreasonable and against to the principles of natural justice by setting aside the final order No.P2/1(19)-2003-RNG-1 dt. 08/10/2003 and consequently direct the respondent to reinstate the petitioner into service.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Challenging the action of the respondent in deleting the name of the petitioner from the approved selection list through proceedings dated 08.10.2003, the present writ petition is filed.

The petitioner worked as a Casual Driver in the respondent Corporation. He was selected as a Driver in the year 1999 through the selection committee.

The petitioner contends that he fell sick and could not attend his duties from 25.04.2003 to 02.05.2003 and again from 04.05.2003 to 08.05.2003, and he informed the same to the Depot authorities. A charge memo was issued to him and he submitted his explanation. He further contends that without conducting any regular departmental enquiry, his name was deleted from the approved selection list and therefore, the respondent Corporation have violated the principles of natural justice. Hence the present writ petition is filed.

It is not in dispute that the petitioner was selected on the basis of regular selection. His services were being utilized as casual Driver as and when required. Without conducting any departmental enquiry, his name was deleted from the approved selection list.

Under the similar circumstances, a Division Bench of this Court gave a judgment on 29.08.2003 in Writ Appeal No.1259 of 2003, upholding the order of the learned single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also, if the Corporation comes to a conclusion that non-reporting to duty amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioner and after a detailed inquiry, may pass appropriate orders according to Rules, but, without giving any opportunity, removing the name of the petitioner from the list of selected candidates is against the principles of natural justice. The action of the respondent in removing the name of the petitioner from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondent to restore the name

of the petitioner to the selection list.

In the light of the above circumstances, the action of the respondent in deleting the name of the petitioner from the list of selected candidates is quashed. The respondent is directed to restore the name of the petitioner into the list of selected candidates and continue to engage him as he used
to be engaged previously till an action, if any, taken by the respondent for the absence of the petitioner and the punishment, if any, going to be imposed.

With the above said observations, the Writ Petition is allowed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Ranigunj I Bus Depot, Hyderabad

2. Two CD copies.